IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION Nos. : 9282 of 2004 & 9285 of 2004

W.P.No.9282 of 2004:

Between:

1 Mente Sasirekha Lakshmi, W/o. Atchutharamayya,
R/o. Gunupudi, Bhimavaram, West Godavari District.
2 Mente Veerakrishna Suryanarayana, S/o. Atchutharamayya,
R/o. Gunupudi, Bhimavaram, W.G. District.

..... PETITIONERS.

AND

1 The Regional Joint Commissioner, Multi Zone I, Endowments

Department, Kakinada, East Godavari District.
2 The Assistant Commissioner, Endowments Department, Eluru,
West Godavari District
3 Sri Someswara Janardana Swamy Temple, Gunupudi,

Bhimavaram, West Godavari District, rep by its Executive Officer .

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the Notice Roc No. 34/2004 dt. 17-5-2004 issued by the 3rd respondent herein as illegal, arbitrary, unreasonable, null and void and without jurisdiction and opposed the very spirit and object of the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003.

WRIT PETITION NO.9285 of 2004

Between:

N. Rama Swamy, S/o. Subbarao,
R/o. Gunupudi, Bhimavaram, West Godavari District.

..... PETITIONER

AND

1 The Regional Joint Commissioner, Multi Zone I, Endowments

Department, Kakinada, East Godavari District.
2 The Assistant Commissioner, Endowments Department,

Eluru, West Godavari District..
3 Sri Someswara Janardana Swamy Temple, Gunupudi,

Bhimavaram, West Godavari District. Rep. by its Executive

Officer .

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the Notice Roc.No. 41/2004 dt.17-5-2004 issued by the 3rd respondent herein as illegal, arbitrary, unreasonable, null and void and without jurisdiction and apposed the very spirit and object of the provisions of the A.P. Charitable and Hindu Religious institutions and Endowments lease of Agricultural Lands Rules, 2003.

Counsel for the Petitioners in both the cases: MR. A.V.SESHA SAI

Counsel for the Respondent Nos.1 to 3 in both the cases: G.P. FOR ENDOWMENTS

The Court made the following :

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COMMON ORDER:

Heard the learned counsel for the petitioners and also the learned Government Pleader appearing for the respondents. Since these two writ petitions are connected, they are taken up for disposal together at their request.

2. The petitioners herein aggrieved by the impugned notice asking them to deliver possession of the land, filed this writ petition. It is the case of the petitioners that an appeal is already pending before the Regional Joint Commissioner Multi Zone-I, Endowments Department, Kakinada filed against the order of the Assistant Commissioner of Endowments and therefore the question of delivery of possession at this stage does not arise, since the substantive rights of the parties are to be considered.

3. Having regard to the fact that the appeals of the petitioners are pending for consideration before the 1st Respondent, it is not necessary to go into the merits of the case. However, the 1st Respondent is directed to dispose of the appeals of the petitioners within a period of one month from the date of receipt of a copy of this order and the interim stay granted by this Court earlier on
25-05-2004 shall continue to be in operation till the disposal of the appeals.

4. The writ petitions are accordingly disposed of. No costs.

B.PRAKASH RAO, J

23rd July, 2004

Chvn/BJ.

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

To

1 The Regional Joint Commissioner, Multi Zone I, Endowments

Department, Kakinada, East Godavari District.

2 The Assistant Commissioner, Endowments Department, Eluru, West Godavari District

3 Two C.Cs. to the G.P. for Endowments, High Court Buildings,

Hyderabad (OUT).

4. Two C.Ds.